

Maryland Department of State Police Response to Department of Legislative Services
FY 2005 Operating Budget Analysis

ISSUE

Crime Trends: The 2002 UCR indicates that while violent crime and property crime are decreasing generally, murder and vehicle theft levels are increasing. Of the five jurisdictions in Maryland with the highest volume of crime, Baltimore City crime levels are falling, while Prince George's County levels are rising. **DSP should comment on all crime trends and how crime rates impact their budget and allocation of resources in fiscal 2005 and beyond.**

RESPONSE

Major Trends – murder up – other violent crime down

Crime Trends do have an impact on the Maryland State Police budget and the allocation of resources. As a result of the general increases in crime rates in the Washington Metropolitan area, the Maryland State Police has assigned investigators to the following initiatives:

The Maryland State Police has assigned one experienced homicide investigator to assist the Prince George's County Police Department in the investigation of homicides occurring in that jurisdiction.

The Maryland State Police has assigned an investigator to a regional auto theft initiative known as W.A.V.E. (Washington Area Vehicle Enforcement Team)

The Maryland State Police has assigned three investigators to a serial arson task force in the Washington Metropolitan area.

The Maryland State Police has four narcotics investigators assigned to the Prince George/Montgomery Community Narcotics Task Force (HIDTA).

The Maryland State Police is currently involved in establishing task forces which will involve a significant number of investigators and civilian analysts being assigned to the Washington Metropolitan area for the investigation of gang related activities.

Property Crimes -- Vehicle Theft Up – Other Property Crime Down

Property crime levels are falling from fiscal 2001 to 2002, with the exception of vehicle thefts. Vehicle theft levels continue to increase since 1999. While motor vehicle thefts have increased since 1999, calendar year 2002 showed the slowest rate of increase. (6.1%, compared to 14.6% in 2001 and 7.2% in 2000.) There are several factors contributing to this increase.

During the 2001 legislative session, the Vehicle Theft Prevention Fund was reduced by \$2,000,000. The vehicle theft rates continued to increase through 2002. Funding was restored effective July 1, 2002, but all spending was frozen as of November 2002. The loss of continuity

and elimination of certain programs has impacted the vehicle theft prevention infrastructure established by the Council and the ability to regain the initiative to offset continuing increases.

As of January 2001, with the exception of Prince George's County, every jurisdiction receiving Council funding since 1995 has realized reductions in vehicle theft. Of significance is the following; 47% reduction in Howard County, 47% reduction in Baltimore County and 40% in Baltimore City. The Baltimore reduction has been the direct result of the formation of the Baltimore Regional Auto Theft Team.

Washington DC, which has the highest vehicle theft rate in the nation per capita, influences the vehicle theft problem in Prince George's County. To address this, the Washington Area Vehicle Enforcement Team (WAVE) was developed in April 2000. WAVE is a multi-jurisdiction task force in which the Department of State Police participates in Prince George's and Montgomery Counties along with the F.B.I., Washington Metropolitan Police Department, Arlington (VA) Police Department and Fairfax (VA) Police Department.

Vehicle theft has become a profitable business for criminals. In many cases, parts and components of stolen luxury vehicles are worth more than the vehicle as whole. And as evidenced more recently, stolen vehicles are being exported to other countries, like Central America. Increased security at the nation's borders is placing an emphasis on vehicles entering the country, while an estimated 200,000 stolen U.S. vehicles cross the border south annually.

Vehicle theft by "joy-riders" continues, to present a problem as well. Discussions with approximately 300 Prince George's County High School students revealed that lack of public transportation, high automobile insurance rates and lack of funds for loan payments were among the three most often cited reasons for vehicle theft.

Another source contributing to the increase in vehicle thefts involves insurance fraud on the part of the vehicle owners who have negative equity in their vehicles. Low interest rates and large rebates of the last few years have enticed owners to purchase newer and more expensive vehicles that they otherwise could not afford. An auto-consumer web site says that 30 percent of new vehicle buyers were "upside down" or had negative equity in their vehicles, an increase of 24 percent in 2002. As the owner begins to experience debt issues or tires of their vehicle, they will conceal the true location of the vehicle and report it stolen, in the hopes that the insurance company will settle the claim after the initial recovery period.

ISSUE

Integrated Ballistics information System Remains under Scrutiny: The DSP assessment of the Integrated Ballistics Information System's (IBIS) response to 2003 committee narrative indicates that IBIS, because of operational difficulties and circumstances beyond the control of DSP, is severely limited in its effectiveness. **DLS recommends that DSP comment on whether, in light of circumstantial difficulties, this program has justified continued operations.**

RESPONSE

A report on the MD-IBIS Program was generated by the Director, FSD, in September, 2003. The report listed the following problems with the MD-IBIS Program:

- Unreliable cartridge case test firings being received from Glock..
- Malfunctioning of remote MD-IBIS Terminal (RBI) for querying MD-IBIS.
- Not being able to link MD-IBIS with the national system NIBIN.
- Cartridge cases being submitted by manufacturers are not representative of guns being used in the commission of crimes.
- Problems reflected in the California Study being found in MD-IBIS.
- Time-To-Crime window.
- Loss of MD-IBIS Personnel.

Of these listed problems, loss of personnel has not demonstrated a negative impact on the operation of the MD-IBIS Program. The other problems, however, remain. Furthermore, it does not appear in the foreseeable future that these problems will be rectified to any extent that will allow MD-IBIS to function anymore effectively or efficiently than it is now. In theory, the Program is sound. However, the number of uncontrolled variables have caused the system to operate outside the expectations for which it was originally designed by legislation. At this time, it cannot be predicted when modifications to the technology resolution of Quality Assurance issues with cartridge case submissions and improvement in imaging acquisition will be achieved.

One measure of Quality Assurance that has been incorporated into testing the Program was a series of blind submissions that were submitted to MD-IBIS as if they were actual cases. The blind testing was proposed early in 2003. The results of this testing did not generate a positive hit in a manner in which the system was designed to function.

From a fiscal standpoint, the MD-IBIS will cost approximately \$335,000.00 to operate in Fiscal "05. Aside from salaries and benefits (\$188,741.00), the major operating cost of the system for the Service Contract with FTI is (\$143,263.00). The vacant position in the MD-IBIS Program (Lab Tech I) has been asked to be filled, but even if it is, this position will most likely be transferred to the DNA Collection Unit. The amount of work entering the MD-IBIS Program is being currently maintained by remaining personnel.

Bottom line analysis: To date the MD-IBIS has not proven itself in the manner for which it was intended. The problems that exist will not be rectified at any particular point in time in the near future. It is predicted that the system will produce results similar to those already obtained. In this case it might be wise to "moth ball" the program and wait to see what develops in the future. If progress is forthcoming, the Program can be re-instated.

ISSUE

Joint Chairmen's Report Requirements Not Being Met: Committee narrative in the 2003 Joint Chairmen's Report (JCR) required that DSP provide two quarterly reports— the first, a list of extradition flights and their associated costs, and the second, a detailed list of flights taken in the State fixed wing aircraft including the type of mission flown. The first of the two quarterly reports has not been submitted. **DSP should comment on why the required reports were not submitted as required by the JCR.**

RESPONSE

DSP agrees with this comment. While we did report quarterly on the use of the fixed wing aircraft, including the types of missions flown, we overlooked the JCR requirement calling for reporting of total costs of extraditions. That report is being prepared at this time, and will be available by March 10, 2004.

ISSUE

Uniform Crime Reports Data Not Being Submitted in a Timely Manner: DSP compiles the UCR each year based in part on data received from local jurisdictions. This report is being submitted will over a year after the close of the calendar year. **DLS recommends that budget bill language be added which restricts a portion of the DSP appropriation until the UCR is submitted. DLS also recommends that DSP be permitted to restrict the disbursement of aid to local jurisdictions until UCR data is received.**

RESPONSE

DSP agrees with this comment. DSP also agrees with the recommended actions to restrict a portion of the DSP appropriation until the UCR is submitted, and especially to be permitted to restrict the disbursement of state aid for police protection funds to local jurisdictions until UCR data is submitted.

The DSP periodically publishes reports on the incidences of crime in the State, as required by State Law. These publications consist of the Preliminary Uniform Crime Report, published on a periodical basis during the reporting year, and the annual report, Crime in Maryland: Uniform Crime Report which is published the following year. All annual Crime in Maryland Uniform Crime Reports are published in the year following acquisition of the data. This process is necessary to enable all of the Maryland law enforcement agencies to submit all data for the reporting year. During calendar years 2002 and 2003, Preliminary Uniform Crime Reports were released approximately 9 months following the 6-month data period reported (Jan-June 2002, released April 2003; July-Dec. 2002, released September 2003). The 2002 annual Crime in Maryland: Uniform Crime Report was completed on November 12, 2003, approved for release on December 29, 2003, with distribution begun on January 12, 2004.

For the Department of State Police to publish accurate and timely crime data, accurate and timely data must first be submitted by the contributing law enforcement agencies. Some large jurisdictions with significant crime rates have not been timely with those submissions. Once DSP receives the monthly UCR submissions, the data goes through a verification and validation process to ensure accuracy. Any questionable data is referred back to the contributing agency for verification and any necessary adjustments. This quality control process, when applied to inaccurate data, combined with problems of late submissions, results in delayed issuance of the UCR reports.

In July 2003, DSP was given the authority by House Bill 40 to withhold a minimum of 50% of State Aide for Police Protection Grant funding to those law enforcement agencies that fail to submit their monthly UCR data timely. While too late to have a significant impact on the timing of the 2002 Crime in Maryland: Uniform Crime Report, DSP began informing reporting agencies of this potential sanction. With the beginning of 2004, DSP began the process of notifying all law enforcement agencies that contribute to the UCR Program that the provision of HB40 allowing withholding of funds would be implemented. Whether through more intensive communication by DSP or because of potential sanctions, contributor responses have been improving.

The annual Crime in Maryland: Uniform Crime Report will always be published in the year following than in which the statistics were gathered. However, DSP estimates that if all law enforcement agencies submit each monthly report on time for the calendar year, and any

adjustments or corrections are completed by March of the following year, the annual UCR report publication should be available by July.

In summary, the DSP and the contributing law enforcement agencies are putting forth every effort to ensure the accuracy and completeness of uniform crime statistics. That data reflects not only the picture of crime in Maryland, but the picture of crime in each of the contributing jurisdictions.

ISSUE

Legislative Audit Reflects Possible Civilianization of 79 Positions: The Office of legislative Audits has determined that 79 positions are currently filled by uniformed troopers, while the nature of the position does not require uniformed officers. Troopers pay scale and benefit packages are higher than those of comparable civilian positions, and this conversion of positions would result in a cost savings of approximately \$1.3 million. **DLS recommends that DSP reclassify 79 vacant trooper positions to civilian positions. DSL also recommends that the appropriation be reduced by \$1.3 million to reflect the reclassification.**

RESPONSE

We agree in part, with the analyst's assessment. However, we disagree with the analyst's recommendation.

The intent expressed by the Legislative Auditors was that the purpose of their audit was **not** to propose a decrease in trooper positions within the Maryland State Police. Rather, it was to determine whether opportunities existed where additional civilians could be hired to do functions currently performed by sworn personnel, thus freeing those sworn personnel to pursue more traditional law enforcement activities.

The recommendation of the DLS analyst is contrary to the intent of the audit. The audit recommended the civilianization cited by the analyst, with its attendant \$1.3 million cost savings for those functions, within the context of recognizing an increased cost of \$4.6 million for new sworn and civilian PINS to augment, not replace, sworn positions. The analyst's recommendation would civilianize the identified positions and redeploy the troopers. However, MSP would suffer a net loss of 79 troopers, with our authorized strength decreasing from 1596 to 1517.

Further, 68.4% of the positions identified by the auditors (54 of the 79) are in Special Funded positions that would not represent a savings to Maryland general fund. Thus, the estimate for potential cost savings to the general fund should be reduced accordingly, to approximately \$410,000.

The sworn positions identified by the auditors, while performing duties that could be civilianized, are still available for deployment in times of need or crisis. This has occurred following the tornados in LaPlata, during major snow storms, during and after Hurricane Isabell, during the sniper incidents, and whenever the terrorism threat level has been raised above Level Yellow.

The sworn ranks of MSP have been reduced over the past 12 years from 1776 troopers authorized in 1992, to 1596 authorized today. During that time, Maryland's population has increased 13%, state road miles have increased 135%, road miles traveled have increased 82%, registered vehicles have increased 25%. During that time also, citations have increased, drunk driving arrests have increased, crimes have increased, and driving speeds have increased. We are experiencing crimes of identity theft, internet crimes against children and economic fraud in a cybersystem that did not even exist in 1992. We now face grave threats to homeland security

from domestic and international terrorism. The State of Maryland needs more troopers, and cannot afford the loss of an additional 79 troopers as would result from this recommendation.

ISSUE

Reduce fund available for turnover expectancy to better reflect the number of actual vacancies.
The general fund reduction shall be allocated among divisions

RESPONSE

DSP disagrees with Analyst proposal. Our Department-wide, all funds, budgeted turnover in the FY 05 Allowance for the DSP is \$4,594,329. This is a 2.93% turnover considering a turnover base of \$156,787,683 as calculated below:

Regular Earnings	\$125,435,600
Social Security	3,989,445
Health Insurance	19,033,731
Retirees Health Insurance	5,931,071
Employee's Retirement	1,346,998
DNR Police Retirement (FM)	636,801
Unemployment Compensation	<u>414,037</u>
Total Turnover Base	\$156,787,683

The Department established a turnover rate of 3% during the initial stages of budget preparation. This percentage has been historically the Department's calculated turnover rate when considering actual wage savings from vacant positions. When DBM "rolled" the personnel file from HOBO into the budget file the percentage changed from 3% to 2.93%. This 2.93% is then used to calculate the dollar amount for turnover. At no time is this percentage the actual percentage of vacant positions.

The DLS analysis calculates an artificial turnover percentage by dividing our all funds vacant positions on a given date by the total all funds authorized positions for the Department. His analysis shows a rate of 3.9% or 96 vacancies divided by 2490.5 authorized positions. The percentage derived by DLS is then mathematically used to determine turnover dollars. This is a common practice by analysts and does not accurately reflect true turnover. In theory this would be correct if all employees were paid the same wage base and had the same fringe benefits.

He recommends increasing General Fund turnover by \$900,000 to "better reflect the number of actual vacancies." This would increase our turnover from the current \$4,594,324 to \$5,494,329. This increase in turnover actually equates to a 3.53 % turnover rate. The \$900,000 increase appears to be a "plug" figure to derive at a final budget for the Department. Budget instructions specifically state that turnover is not to be used as a "plug" to meet a general fund target. Turnover should remain at the current dollar amount of \$4,594,329, which is 2.93%, the normal rate for the Department.